

December 27, 2021

Maria Ecke

Richard Ecke

Estate of David Jonathan Ecke

Andrew Ecke

Peter Sottile

8 Glenbrook Drive

West Simsbury, CT 06092

860-658-7745

Pro Se Council

United States Bankruptcy Court Southern District of New York

In re:

Purdue Pharma L.P. et all

Chapter 11 Debtors.

Case No. 19-23649 (RDD)

**ORAL ARGUMENT FOR MOTION FOR ORIGINAL CLAIM PAYMENT AND FOR RULE 5004 OF THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE GOVERNED BY 28 USC455 –DISMISSAL OF JUDGE DRAIN**

Judge Drain, you studied as a bankruptcy attorney and know all the bankruptcy laws which I am studying now. Since I am a Professional MLS Librarian, I would like to introduce my profession by telling you about the book entitled "UNSETTLED" by Ryan Hampton. Library of Congress categorized it by the Dewey Decimal System as nonfiction 338.4761 Hampton and the Library of Congress designation of HD9666.9 P87 H36, which is also in the nonfiction section. Library of Congress categories the subject headings to fall under these categories: Purdue Pharma, LP, Pharmaceutical industry – Moral and retire ethical aspects – United States, opioid abuse – United States, and the final subject heading – Bankruptcy – Moral and ethical aspects. You may recognize the name of the author Ryan Hampton because he is a national addiction recovery advocate, community organizer, author, person in long term recovery" quoted from "Unsettled" by Ryan Hampton and he is on the Official Committee of Unsecured Creditors.

On page 4 of DECISION AND ORDER ON APPEAL by Judge McMahon, Judge McMahon stated **"The Sacklers upstreaming some \$10.4 billion out of the company between 2008 and 2017, which, according to their own expert, substantially reduced Purdue's "solvency cushion."** Over half of that money was either invested in offshore companies owned by the Sacklers or deposited into spendthrift trusts that could not be reached in bankruptcy and off-shore entities located in places like the Bailiwick of Jersey." In my opinion, the Honorable Judge McMahon underestimated the amount of money that

the Sacklers up-streamed out of their coffers. McKinsey & Company, a consulting firm, that was also involved with the Enron scandal, the State of Massachusetts, and was involved with Purdue Pharma's work to disassemble Purdue's sales force could have shredded the pertinent documents **Was the amount closer to \$12 billion as Google stated in 2020 or even more? Why did the paperwork disappear? Could it be that a consulting company named McKinsey and Company shredded the evidence?** In "Unsettled" by Ryan Hampton on page 255 it states "In 2018, shortly after Massachusetts had filed its lawsuit against Purdue, in which numerous board members were named as co-defendants, McKinsey partner Martin Elling emailed his colleague Arnab Ghatak: "It probably makes sense to have a quick conversation with the risk committee if we should be doing anything other than (sic) eliminating all our documents and emails. Suspect not but as things get tougher someone might turn to us. Ghatak replied, "Thanks for the heads-up. Will do." The case did come up in Ohio Docket No. 3:21-CV-103 which was transferred to the United States District Court Northern District of California with a Case No.: 3-21-CV9107 which was not advertised anywhere until it was settled for \$573 million settlement. Marc Kovac of The Columbus Dispatch wrote an article entitled "Ohio, Other States Reach \$573 Million Settlement With McKinsey Over Role In Opioid Epidemic" yet no victims were notified to join the lawsuit nor was it publicized. The information is only available on Pacer, a website which publishes Court Cases and also charges the ordinary layperson and/or victim for documents. In addition to the fees charged by Pacer, a person must know the Case number to find out about the case. In The Columbus Dispatch it states "Ohio will receive a \$24.7 million as part of a \$573 million settlement against a firm that promoted the sales of prescription painkiller, that helped to fuel an opioid epidemic in Ohio and nationally that's led to rising overdose deaths and increasing government costs to address addiction issues."

How much did each of the Companies affiliated with only Docket No. 19-23649 (RDD) contribute to the meager amount of money that will be given to the actual victims like myself? Honorable Judge Drain please disclose the amount of the contribution of each company listed on this website. Here's the list.

Debtors

Case Number	Debtor Name	Petition Date
19-23649	Purdue Pharma L.P.	September 15, 2019
19-23648	Purdue Pharma Inc.	September 15, 2019
19-23650	Purdue Transdermal Technologies L.P.	September 15, 2019
19-23651	Purdue Pharma Manufacturing L.P.	September 15, 2019
19-23652	Purdue Pharmaceuticals L.P.	September 16, 2019
19-23653	Imbrium Therapeutics L.P.	September 16, 2019
19-23654	Adlon Therapeutics L.P.	September 16, 2019
19-23655	Greenfield BioVentures L.P.	September 16, 2019
19-23656	Seven Seas Hill Corp.	September 16, 2019
19-23657	Ophir Green Corp.	September 16, 2019
19-23658	Purdue Pharma of Puerto Rico	September 16, 2019
19-23659	Avrio Health L.P.	September 16, 2019
19-23660	Purdue Pharmaceutical Products L.P.	September 16, 2019
19-23661	Purdue Neuroscience Company	September 16, 2019
19-23662	Nayatt Cove Lifescience Inc.	September 16, 2019
19-23663	Button Land L.P.	September 16, 2019

Case Number	Debtor Name	Petition Date
19-23664	Paul Land Inc.	September 16, 2019
19-23665	Quidnick Land L.P.	September 16, 2019
19-23666	Rhodes Associates L.P.	September 16, 2019
19-23667	Rhodes Pharmaceuticals L.P.	September 16, 2019
19-23668	Rhodes Technologies	September 16, 2019
19-23669	UDF LP	September 16, 2019
19-23670	SVC Pharma LP	September 16, 2019
19-23671	SVC Pharma Inc.	September 16, 2019

Honorable Judge Drain you consider the death of my poor beloved son David Jonathan Ecke being worth between **\$3,500 and \$48,000 yet Attorney Huebner's monologues are worth millions as shown by the bills of Davis, Polk, and Wardwell and others.** The word monologue according to Webster's dictionary is defined as "1. A long speech or talk made by one person, often monopolizing conversation. 2. (a) A soliloquy or any literary composition in the form of a soliloquy. (b) A continuous series of jokes or comic stories delivered by a single comedian." I am requesting the Honorable Judge Drain, Honorable Judge Chapman, or any other judge who will handle the case in the future to order the payment of **\$242,000,000 to each of us – Maria Ecke, the Estate of David Jonathan Ecke, Richard Ecke, Andrew Ecke, and Peter Sottile from amount of a Purdue Settlement after a true plan is reached to help the victims has been reached** - "Finding of Fact, Conclusions of Law, and Order Confirming the Twelfth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma LP and Its Affiliated Debtors" and/or any other plan that is confirmed and/or administered. This is a mere drop in the bucket compared to the amount that the Sackler family hoards offshore. See Exhibit A – **Opioid Deaths by MIKE STOBBE Wed, November 17, 2021, 10:01 AM NEW YORK (AP)** — "An estimated 100,000 Americans died of drug overdoses in one year, a never-before-seen milestone that health officials say is tied to the COVID-19 pandemic and a more dangerous drug supply. Overdose deaths have been rising for more than two decades, accelerated in the past two years and, according to new data posted Wednesday, jumped nearly 30% in the latest year. President Joe Biden called it "a tragic milestone" in a statement, as administration officials pressed Congress to devote billions of dollars more to address the problem. "This is unacceptable and it requires an unprecedented response," said Dr. Rahul Gupta, director of National Drug Control Policy. Experts believe the top drivers of overdose deaths are the growing prevalence of deadly fentanyl in the illicit drug supply and the COVID-19 pandemic, which left many drug users socially isolated and unable to get treatment or other support. The number is "devastating," said Katherine Keyes, a Columbia University expert on drug abuse issues. "It's a magnitude of overdose death that we haven't seen in this country." Drug overdoses now surpass deaths from car crashes, guns and even flu and pneumonia. The total is close to that for diabetes, the nation's No. 7 cause of death. Drawing from the latest available death certificate data, the Centers for Disease Control and Prevention estimated that 100,300 Americans died of drug overdoses from May 2020 to April 2021. It's not an official count. It can take many months for death investigations involving drug fatalities to become final, so the agency made the estimate based on 98,000 reports it has received so far. The CDC previously reported there were about 93,000 overdose deaths in 2020, the highest number recorded in a calendar year. Robert Anderson, the CDC's chief of mortality statistics, said the 2021 tally is likely to surpass 100,000. "2021 is going to be terrible," agreed Dr. Daniel Ciccarone, a drug policy expert at the University

of California, San Francisco. The new data shows many of the deaths involve illicit fentanyl, a highly lethal opioid that five years ago surpassed heroin as the type of drug involved in the most overdose deaths. Dealers have mixed fentanyl with other drugs — one reason that deaths from methamphetamines and cocaine also are rising. Drug cartels in Mexico are using chemicals from China to mass produce and distribute fentanyl and meth across America, said Anne Milgram, administrator of the Drug Enforcement Administration. This year, the DEA has seized 12,000 pounds of fentanyl, a record amount, Milgram said. But public health experts and even police officials say that law enforcement measures will not stop the epidemic, and more needs to be done to dampen demand and prevent deaths. The CDC has not yet calculated racial and ethnic breakdowns of the overdose victims. It found the estimated death toll rose in all but four states — Delaware, New Hampshire, New Jersey and South Dakota — compared with the same period a year earlier. The states with largest increases were Vermont (70%), West Virginia (62%) and Kentucky (55%). Minnesota saw an increase of about 39%, with estimated overdose deaths rising to 1,188 in May 2020 through April 2021 from 858 in the previous 12-month period. The area around the city of Mankato has seen its count of overdose deaths rise from two in 2019, to six last year to 16 so far this year, said police Lt. Jeff Wersal, who leads a regional drug task force. “I honestly don't see it getting better, not soon,” he said. Among the year's victims was Travis Gustavson, who died in February at the age of 21 in Mankato. His blood was found to show signs of fentanyl, heroin, marijuana and the sedative Xanax, Wersal said. Gustavson was close to his mother, two brothers and the rest of his family, said his grandmother, Nancy Sack. He was known for his easy smile, she said. “He could be crying when he was a little guy, but if someone smiled at him, he immediately stopped crying and smiled back,” she recalled. Gustavson first tried drugs as kid and had been to drug treatment as a teenager, Sack said. He struggled with anxiety and depression, but mainly used marijuana and different kinds of pills, she said. The morning of the day he died, Travis had a tooth pulled, but he wasn't prescribed strong painkillers because of his drug history, Sack said. He told his mother he would just stay home and ride out the pain with ibuprofen. He was expecting a visit from his girlfriend that night to watch a movie, she said. But Gustavson contacted Max Leo Miller, also 21, who provided him a bag containing heroin and fentanyl, according to police. Some details of what happened are in dispute, but all accounts suggest Gustavson was new to heroin and fentanyl. Police say Gustavson and Miller exchanged messages on social media. At one point, Gustavson sent a photo of a line of a white substance on a brown table and asked if he was taking the right amount and then wrote “Or bigger?” According to a police report, Miller responded: “Smaller bro” and “Be careful plz!” ____ The Associated Press Health & Science Department receives support from the Howard Hughes Medical Institute's Department of Science Education. The AP is solely responsible for all content. Our goal is to create a safe and engaging place for users to connect over interests and passions. In and the article about Attorneys salaries from Reuters:
And an article from **Reuters** dated

“December 29, 2021:16 PM ESTLast Updated 6 days ago

\$2,000 an hour for a bankruptcy lawyer? 2022 could be the year

By Maria Chutchian



A plaque is displayed at the entrance of the U.S. District Bankruptcy Court for the Southern District of New York in Manhattan, New York, U.S., January 9, 2020. REUTERS/Brendan McDermid

- Kirkland & Ellis LLP
- Simpson Thatcher & Bartlett LLP

The company and law firm names shown above are generated automatically based on the text of the article.

(Reuters) - Will 2022 finally be the year of the \$2,000-an-hour bankruptcy lawyer?

New corporate bankruptcy filings slowed down slightly this year after a pandemic surge in 2020. But there were still enough big 2021 cases to keep leading practitioners busy - with some billing over \$1,800 an hour.

Kirkland & Ellis' highest hourly partner rates hit \$1,895 in the bankruptcies of offshore driller Seadrill Ltd, mall operator Washington Prime Group and construction startup Katerra Inc.

Even the most junior associates at the firm billed \$625 per hour in those cases, while other Kirkland associates billed as high as \$1,195 - more than some partners at the firm, according to fee information filed with bankruptcy court

Rates at some other firms weren't far behind. Simpson Thatcher & Bartlett partners charged up to \$1,850 per hour in the bankruptcy of Chilean bank holding company Corp Group Banking SA. Its most junior associates topped those at Kirkland, charging \$655 per hour in the Corp Group case.

The graphics below show hourly rates charged by those and other firms tapped as lead debtor's counsel in a sampling of Chapter 11 cases filed in 2021, as well as the amounts they had charged in those bankruptcies as of mid-December.

Most of the cases were selected because they involved debt of at least \$1 billion.

Some were notable for other reasons, such as the case of former talc miner Cyprus Mines Corporation, which was caught up in Johnson & Johnson-related talc litigation before it filed for Chapter 11 protection. (The J&J talc liabilities bankruptcy was not included because it has yet to report monthly fees.)

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Maria Chutchian

Maria Chutchian reports on corporate bankruptcies and restructurings. She can be reached at maria.chutchian@thomsonreuters.com.

As I stated in my letter dated December 13, 2020 to the Unofficial Committee of Unsecured Creditors according to Google: “the Sackler family behind Purdue Pharma is one of the richest families in the United States with an ESTIMATED 13 BILLION FORTUNE FROM THE SALES OF THE CONTROVERSIAL PAINKILLER OXYCONTIN. According to Forbes also on Google in 2020: Today, Purdue is still 100% owned by the Sackler family, generates some \$3 billion in sales in the U.S. Separate Sackler-owned companies which sell drugs in Europe, Canada, Asia, and Latin America. An estimated 20 family members share the fortune. Sacklers withdrew \$12 billion over 13 years from Purdue Pharma as the opioid epidemic grew.” I also learned from the DECLARATION OF JONATHAN GREVILLE WHITE on page 4, Article 9 which states: “Beacon Trust (one of the General Trusts), is the ultimate holder of a 50% limited partner in Purdue Pharma L.P. (Purdue) which holds for the benefit of Side A. An entity for the benefit of the Raymond Sackler (or “Side B”) is the ultimate owner of the balance of Purdue equity. Beacon Trust was settled in 1993, by Mortimer D. Sackler Several years before OxyContin was launched. I am the Director of Heathridge Trust Company Limited, which is a Trustee of the Beacon Trust. Since the death of Mortimer D. Sackler in 2010, Beacon Trust has been an irrevocable trust for the benefit of Theresa Sackler, Dr. Mortimer D. Sackler’s issue, and various charitable beneficiaries. The Beacon Trust instrument provides that its trustee holds the Beacon Trust in its discretion, with prior written consent of the Special Trustees, to pay income and/or capital to, or for the benefit of, one or more of Dr. Mortimer D. Sackler’s spouse, descendants, and/or charitable foundations” **that the Trusts only pay the Sackler family even though the family knew all along that the drug killed people. If Purdue Pharma still generates 3 billion per year, then I don’t understand why the actual victims of this crisis are receiving between \$3,500 and \$48,000. Why should the Sacklers, the States, insurance companies, hospitals, and Attorneys etc. receive the majority of the funds? THEY DID NOT HAVE A FAMILY MEMBER DIE!**

As to the Dismissal of Judge Drain, Honorable Judge McMahon’s decision speaks for itself: “this Court concludes that the Bankruptcy Code does not authorize such nonconsensual non-debtor releases: not in its express text (which is conceded); not in its silence (which is disputed); and not in any section or sections of the Bankruptcy Code that, read singly or together, purport to confer generalized or “residual” powers on a court sitting in bankruptcy. For that reason, the Confirmation Order (and the

Advance Order that flows from it) must be vacated” DECISION AND ORDER ON APPEAL by Judge McMahon – P.7.

As Judge McMahon said in DECISION AND ORDER ON APPEAL: “But not everyone voted yes. Eight states and the District of Columbia (“D.C.”), as well as certain Canadian municipalities and Canadian indigenous tribes, the City of Seattle (alone among all voting municipalities in the United States), **as well as some 2,683 individual personal injury claimants, voted against the adoption of the Plan. The same states, municipalities and tribes, together with three of those individual claimants (representing themselves), filed formal objections.**

In addition, as stated in “Unsettled” by Ryan Hampton on pages 97 to 98: “Judge Drain would preside over the bankruptcy proceedings for its duration. A stern, serious presence on the bench, he was a former bankruptcy attorney who became a federal judge in White Plains, New York, in 2002. There was more to the judge than his outer appearance. Drain had once written an absurdist comic novel, entitled *The Great Work in the United States of America*, about a founder of a new religion in the late 1800s. **He worked at the New York firm Paul, Weiss, Rifkind, Wharton & Garrison – A LAW PRACTICE CONNECTED TO PURDUE- UNTIL HE WAS APPOINTED TO THE BENCH.** One of the weird things about bankruptcy law is that debtors can pretty well much pick any court they want. Delaware, Manhattan, Houston, and Richmond are well-known hubs for large corporate bankruptcies. Courts compete with one another for cases, leading certain courts to be more pro-debtor. Top courts compete to attract large Chapter 11 cases, a dynamic that undermines the integrity of the bankruptcy system. Some companies go a step further and set up shop in a state that is likely to give them a favorable outcome. They rent short-term office space at suite 101 in the modern, white columned office building at 777 Westchester Avenue in White Plains, New York, as a safeguard. According to *The Wall Street Journal*, “Some law firms have incorporated limited liability companies in White Plains months before their clients filed Chapter 11 protection to make sure that their cases wind up before Judge Drain. **The rules say companies can pick their court, but not their judge; judges are assigned at random. Judge Robert Drain is the only bankruptcy judge in White Plains, until a recent rule change made during the coronavirus pandemic to shift some cases to Manhattan, corporate restructurings went only to him.**” This is clearly conflict of interest and Judge Drain should step down from the bench in this case of Purdue Pharma et al. **Clearly Judge Drain you do not intend to step down from the bench since another Pro Se advocate Ellen Isaacs had asked Judge Drain to recuse himself from the bench previously. Judge Drain must be removed. Whose responsibility is this to remove him? Is it the decision of Chief Judge Morris? Judge Drain you are retiring in June of 2022, is this the reason that you will not recuse yourself? Will it be reflected on your retirement record and pension? Is it now in the hands of the Mediator, Judge Shelly C. Chapman?**

According to UNSETTLED by Ryan Hampton on page 297, “In the future, the government must get in line behind the people it claims to represent. **Victims must come first.** One thing I’ve learned about mass tort cases that enter into bankruptcy is that there are thousands of victims or hundreds of thousands of victims. In bankruptcy they have to get in line behind corporations and governmental entities. They are treated like small numbers on a larger ledger. This is a great injustice. A fair bankruptcy process would put **victims at the top of the pyramid and place the burden of proof on governments and corporations as to why they deserve to cut to the front of the line. A government for the people and by the people puts people first. Until we do that, we can’t call ourselves a justice-loving nation.**”

It is true that many members of some creditor classes did not cast a vote, but the law provides that a plan must be approved, not by a supermajority of all eligible voters, but by a supermajority of all actual voters. 11 U.S.C. § 1126. **That being so, there is no merit to Appellants' argument that the court should not deem the Plan approved by a supermajority of the affected creditor classes – DECISION AND ORDER ON APPEAL - footnote P. 4 – Judge McMahon.**

"Ilene Sackler Lefcourt, Kathe Sackler, Mortimer D.A. Sackler, Theresa Sackler, Richard Sackler, Jonathan Sackler, and David Sackler were at some or all relevant times directors of Purdue and its related enterprises. Mortimer D. Sackler and Raymond Sackler had management roles at the company as co-chief executive officers; Richard Sackler also served as president; and Mortimer D.A. Sackler, Ilene Sackler Lefcourt, and Kathe Sackler held officer roles as vice presidents. Mariana Sackler worked at Purdue in research and development." P. 4 - footnote 7 - DECISION AND ORDER ON APPEAL BY Judge McMahon. **The Sackler family's personal funds need to be attached and distributed to the true victims but this is not done in a bankruptcy court so Purdue needs to be sold at a high price.**

"this Court concludes that the Bankruptcy Code does not authorize such nonconsensual non-debtor releases: not in its express text (which is conceded); not in its silence (which is disputed); and not in any section or sections of the Bankruptcy Code that, read singly or together, purport to confer generalized or "residual" powers on a court sitting in bankruptcy. For that reason, the Confirmation Order (and the Advance Order that flows from it) must be vacated." – Decision and Order on Appeal by Judge McMahon.

Honorable Judge Drain, I understand that you cannot rule for payment until the Plan has been confirmed as you told me in December of 2020 and in my opinion, I do believe that you thought the Plan was going to be confirmed by the January 7, 2022. In December 2021, you had said that after Judge McMahon's decision there was going to be a Hearing on January 7, 2022 to allot the funds. This did not happen; therefore, because my family and I did not vote for the Plan at all. I did not sign or can I approve anything that contains a Release for the Sacklers. Thank you for your time and energy on this case but your Plan is not acceptable to many of us.

CONCLUSION

Judge Drain, you must be relieved of the Purdue case as I said before because of a conflict of interest resulting from your past business relationship/dealings as an employee of Paul, Weiss, Rifkind, Wharton & Garrison – a law practice connected to Purdue ("Unsettled" by Ryan Hampton) and the Department of Justice should seize all the Sackler family's ill-gotten funds, liquidate Purdue and distribute the majority of the funds to the actual victims. Maria Ecke (Claim #16810), the Estate of David Jonathan Ecke (Claim #628554), Richard Ecke (Claim #22855), Andrew Ecke (Claim #23016), and Peter Sottile (Claim #16817) and the American citizens who filed Claims should receive the monetary reward which they asked for in the beginning. The Claim for the Estate of David Jonathan Ecke (Claim # 628554) should be paid so that I may start "A Star for David" and donate to the "Hearts of Hope" mother's group. The government should not take precedence over victims. Tryphena, a Supervisor at Prime Clerk, said to me recently that I should get some professional help with my grief. My hair is coming out by the handfuls due to stress and depression about my son's death, the addiction of my other son Andrew Ecke to drugs, and not having any grandchildren due to drugs.

CERTIFICATION REGARDING TRANSCRIPT

Pursuant to Bankruptcy Rule 8009(b)(1), Appellant hereby certifies that I have proved for Bankruptcy Court Case No. 19-23649 (RDD) and for appeal to the Bankruptcy Court Case No. 19-23649 (RDD) the main documents the Judge's decision on 9/17/2021, "Finding of Fact, Conclusion of Law, and Order Confirming the Chapter 11 Reorganization of Purdue Pharma L.P. and its Affiliated Debtors" and all other docket numbers submission above.

/s/ Maria Ecke

Maria Ecke